

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

COMAU, INC.

and

Cases 7-CA-52614
7-CA-52939

**AUTOMATED SYSTEMS WORKERS LOCAL
1123, affiliated with CARPENTERS
INDUSTRIAL COUNCIL, UNITED
BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA**

and

COMAU EMPLOYEES ASSOCIATION

and

7-CB-16912

**AUTOMATED SYSTEMS WORKERS LOCAL
1123, affiliated with CARPENTERS
INDUSTRIAL COUNCIL, UNITED
BROTHERHOOD OF CARPENTERS
AND JOINERS OF AMERICA**

ORDER VACATING AND SETTING ASIDE DECISION AND ORDER

The Comau Employees Association's motion for rescission and reconsideration is granted. On January 3, 2012, the Board issued a decision and order finding that Comau, Inc. and the Comau Employees Association, respectively, violated Sections 8(a)(1), (2), (3) and (5) and 8(b)(1)(A) and (2) of the Act. 357 NLRB No. 185. As the Comau Employees Association correctly contends in its motion, the Decision and Order states that it did not file exceptions to the judge's decision in this case. *Supra*, slip. op. at 1, fn. 1. However, the Board had received,

but through inadvertence was not aware of, the Comau Employees Association's exceptions and a supporting brief, a reply brief to the Acting General Counsel's answering brief, and a brief in opposition to the Acting General Counsel's cross-exceptions, which had been timely filed.

We find that the failure to consider the Comau Employees Association's exceptions and briefs constitutes material and prejudicial error within the meaning of Section 102.48(d)(1) of the Board's Rules and Regulations. Accordingly, we shall grant the Comau Employees Association's unopposed motion, vacate the January 3, 2012 Decision and Order, and reconsider the case *de novo*.

IT IS ORDERED that the Board's Decision and Order, 357 NLRB No. 185, is vacated.¹

Dated, Washington, D.C., February 8, 2012.

MARK GASTON PEARCE, CHAIRMAN

BRIAN E. HAYES, MEMBER

RICHARD F. GRIFFIN, JR., MEMBER

(SEAL)

NATIONAL LABOR RELATIONS BOARD

¹ A new decision and order will issue at a later date.